

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: FAIRFIELD SENTRY LIMITED, et al., Debtor in Foreign Proceedings.	Chapter 15 Case Case No. 10-13164 (CGM) Jointly Administered
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG a/k/a AMRO (SWITZERLAND) AG, et al., Defendants.	Adv. Pro. No. 10-03635 (CGM)
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG a/k/a AMRO (SWITZERLAND) AG, et al., Defendants.	Adv. Pro. No. 10-03636 (CGM)

FOURTH AMENDED SCHEDULING ORDER
ON PERSONAL JURISDICTION BRIEFING AND SUBSEQUENT DISCOVERY

WHEREAS, on September 28, 2021, the Court entered a scheduling order for briefing motions to dismiss for lack of personal jurisdiction (“PJ Motions”);

WHEREAS, on January 14, 2022, the Court amended that scheduling order to facilitate the parties’ continued negotiations over jurisdictional discovery;

WHEREAS, the parties stipulated to the Second Amended Scheduling Order on Personal

Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on August 2, 2022, at Adv. Pro. No. 10-03635, ECF No. 914; Adv. Pro. No. 10-03636, ECF No. 997 (“Second Amended Scheduling Order”);

WHEREAS, the Second Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to defendants’ PJ Motions to March 31, 2023, which extension was to seek jurisdictional discovery to oppose defendants’ PJ Motions;

WHEREAS, the parties stipulated to the Third Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on March 30, 2022, at Adv. Pro. No. 10-03635, ECF No. 1019; Adv. Pro. No. 10-03636, ECF No. 1112 (“Third Amended Scheduling Order”);

WHEREAS, the Third Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to May 12, 2023, which extension was to review further jurisdictional discovery to oppose those defendants’ PJ Motions and negotiate potential settlements;

WHEREAS, the Liquidators wish to continue to negotiate alleged possible discovery deficiencies and further document productions with respect to particular defendants;

WHEREAS, the Liquidators wish to continue to negotiate potential settlements with particular defendants;

WHEREAS, the Liquidators are in the process of seeking discovery from particular defendants through the Hague Convention, and such process is still ongoing;

WHEREAS, the Liquidators seek sufficient time in which to negotiate potential settlements, resolve the referenced alleged, possible deficiencies, pursue discovery through the Hague Convention, and review any further documents that may be produced in order to respond to the PJ

Motions;

WHEREAS, the Liquidators do not seek extensions on PJ Motion opposition briefs relating to PJ Motions filed by defendants other than identified in Paragraph 1 below, which opposition briefs have been or will be filed by the deadlines set in the Second and Third Amended Scheduling Orders;

WHEREAS, each of the defendants identified in Paragraph 1(1)-(5) below, who joined the Liquidators in submitting the Notice of Presentment, consents to extending the deadline for the Liquidators to file opposition briefs to their PJ Motions from May 12, 2023 to July 11, 2023;

WHEREAS, each of the defendants identified in Paragraph 1(6)-(9) below, who joined the Liquidators in submitting the Notice of Presentment, consents to extending the deadline for the Liquidators to file opposition briefs to their PJ Motions from May 12, 2023 to May 26, 2023;

WHEREAS, pursuant to the Third Amended Scheduling Order, the Liquidators must provide 30-days' notice to the applicable defendant should Liquidators choose to file their opposition to such defendant's PJ Motion prior to May 12, 2023;

WHEREAS, pursuant to the Second Amended Scheduling Order, defendants must file their replies in further support of their PJ Motions within 90 days of service of an opposition; and

WHEREAS, there is good cause to extend the case schedule accordingly;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. The deadlines in the Third Amended Scheduling Order shall only be affected by this Fourth Amended Scheduling Order with respect to the following defendants:

(1) BSI AG; BSI AG as successor-in-interest to Banca del Gottardo (sued as BSI Ex Banca Del Gottardo);

(2) Bank Leumi le-Israel B.M.;

(3) EFG Bank (Monaco) S.A.M. f/k/a EFG Eurofinancier D'Investissements S.A.M. (sued as EFG Eurofinancier D'Invest MCL);

- (4) National Bank of Kuwait S.A.K.P.;
- (5) NBK Banque Privee (Suisse) SA (NBKS);
- (6) Banca Arner S.A. n/k/a One Swiss Bank;
- (7) Centrum Bank AG (AMS);
- (8) Verwaltungs UND Privat-Bank AG Aktiengesellschaft (AMS); and
- (9) Lloyds TSB Bank Geneva;

2. With respect to the defendants listed in Paragraph 1(1)-(5), the Liquidators shall file their oppositions to those defendants' PJ Motions by **July 11, 2023**, with 30 days' notice to the applicable defendant (or consent to a shorter notice period by the applicable defendant) should the Liquidators choose to file their opposition to such defendant's PJ Motion prior to **July 11, 2023**;

3. The defendants listed in Paragraph 1(1)-(5) shall file their replies in further support of their PJ Motions within 90 days of service of an opposition with respect to their PJ Motion, provided that upon agreement between the Liquidators and the applicable defendant replies may be filed at a later date not to exceed 90 days after the **July 11, 2023** deadline for the Liquidators' opposition briefs;

4. With respect to the defendants listed in Paragraph 1(6)-(9), the Liquidators shall file their oppositions to those defendants' PJ Motions by **May 26, 2023**;

5. The defendants listed in paragraph 1(6)-(9) shall file their replies in further support of their PJ Motions within 90 days of service of an opposition with respect to their PJ Motion;

6. The Court shall hear argument with respect to each defendant's PJ Motion at the next omnibus conference that is at least 30 days after service of a reply in further support of such PJ Motion; and

7. To the extent not modified herein, the provisions of the September 28, 2021 scheduling order regarding the PJ Motions, the provisions of the October 25, 2021 scheduling order following the parties' Rule 26(f) conference, the provisions of the August 2, 2022 Second Amended Scheduling Order, and all other provisions of the March 30, 2023 Third Amended Scheduling Order remain in full force and effect.